

ENTERED

November 17, 2022

Nathan Ochsner, Clerk

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
BROWNSVILLE DIVISION**

ROBERTO SCOTT GONZALEZ,
“Petitioner”,

v.

UNITED STATES OF AMERICA,
“Respondent”.

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Civil Action No. 1:22-cv-00123

ORDER ADOPTING MAGISTRATE JUDGE’S REPORT AND RECOMMENDATION

Before the Court is Petitioner’s “Motion Pursuant to 28 U.S.C. § 2255” (“Motion”) (Dkt. No.1), Respondent’s “Motion to Dismiss” (“MTD”) (Dkt. No. 5), and the “Magistrate Judge’s Report and Recommendation” (“R&R”) (Dkt. No. 7). The R&R recommends this Court (1) grant Respondent’s MTD; (2) dismiss Petitioner’s Motion; (3) decline to issue a certificate of appealability; and (4) direct the Clerk of Court to close this case.

No objections were filed by either party. When no objections are filed to a magistrate judge’s ruling, the district court applies the “clearly erroneous, abuse of discretion and contrary to law” standard of review. *United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989). Finding no clear error, abuse of discretion, or finding contrary to law, the R&R is **ADOPTED**.

Respondent’s MTD (Dkt. No. 5) is **GRANTED**. Petitioner’s Motion (Dkt. No. 1) is **DISMISSED**. The Court **DECLINES** to issue a certificate of appealability. The Clerk of Court is **ORDERED** to close this case.

Signed on this 17th day of November, 2022.



Rolando Olvera
United States District Judge